

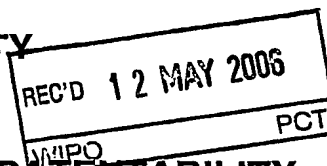
PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference S-0817-PCT	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/US2005/000399	International filing date (day/month/year) 07.01.2005	Priority date (day/month/year) 07.01.2004	
International Patent Classification (IPC) or national classification and IPC INV. B65D88/62 B01D21/00 B65B31/02			
Applicant WALKER-DAWSON INTERESTS, INC.			
<p>1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 7 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 04.11.2005		Date of completion of this report 21.04.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized officer Zanghi, A Telephone No. +31 70 340-2875 	

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2005/000399

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-3, 6, 7	as originally filed
4, 5	filed with telefax on 13.03.2006

Claims, Numbers

1, 2, 4-11, 13	filed with telefax on 13.03.2006
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Drawings, Sheets

1/4, 2/4	as originally filed
3/4, 4/4	filed with telefax on 04.11.2005

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☒ the claims, Nos. 3,12
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2005/000399

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,2,4-11,13
	No: Claims	
Inventive step (IS)	Yes: Claims	1,2,4-11,13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1,2,4-11,13
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

2.1 Reference is made to the following documents:

D1: US-A-4 723 969 (DEMARCO ET AL) 9 February 1988

2.2 Document D1, which is considered to represent the most relevant state of the art, discloses (cf. the corresponding passages cited in the search report) an apparatus from which the subject-matter of claim 1 differs in that the flexible bag in which the vacuum is formed is non-porous bag.

2.2.1 The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2.2.2 The problem to be solved by the present invention may be regarded as to simplify the construction of the apparatus.

2.2.3 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because it is neither known from, nor rendered obvious by, the available prior art. It would not be obvious to the person skilled in the art, to apply these features to an apparatus according to document D1, thereby arriving at an apparatus according to claim 1.

2.2.4 It should be considered that in D1 the vacuum and therefore the collecting of the material is done in the porous material bag.

2.3 The same reasoning applies, mutatis mutandis, to the subject-matter of the independent claims 5, 11, 13, which therefore are also considered new and inventive.

2.4 Claims 2, 4 and 6-10 are dependent respectively on claims 1 and 5 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/US2005/000399

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